

05-746 NORFOLK SOUTHERN RAILWAY CO. V. SORRELL

QUESTIONS PRESENTED

1. Whether the court below erred in determining-in conflict with this Court and multiple courts of appeals-that the causation standard for employee *contributory negligence* under the Federal Employers Liability Act ("FELA ") differs from the causation standard for railroad *negligence*.
2. ~~Whether, under the comparative negligence scheme of FELA, state courts may rely upon a jury instruction and verdict form mandated by state law that make it impossible for defendants and courts to determine whether and to what extent a jury found contributory negligence on the part of the plaintiff, and which treat FELA defendants differently from all other litigants.~~

Cert. Granted 5/15/06

Limited to Question 1 presented by the petition.